

## **DETAILED ACTION**

### ***Status of the Claims***

1. Claims 10-13 are pending.

Applicants' amendments filed February 8 and March 11, 2008 are acknowledged.

Applicants' response has been fully considered. Claims 10-11 have been amended, and claims 14-15 have been cancelled. Therefore, claims 10-13 are examined.

### **Withdrawn Informalities**

2. The previous objection to the specification is withdrawn in view of applicant's amendment to the specification, and applicants' response at page 5 of the amendment filed February 8, 2008.

### **Withdrawn Claim Objections**

3. The previous objection to claims 10-11 is withdrawn in view of applicant's amendment to the claim, and applicants' response at page 5 of the amendment filed February 8, 2008.

### **Withdrawn Claim Rejections - 35 USC § 112**

4. The previous rejection of claims 10-13 under 35 U.S.C. 112, second paragraph, is withdrawn in view of applicants' amendment of the claims, and applicants' response at pages 5-6 of the amendment filed February 8, 2008.

### ***Examiner's Amendment***

An **Examiner's Amendment** to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Marina I. Miller on March 20, 2008.

**Examiner's Amendment to the Specification:**

In the amendment filed March 11, 2008, "a section of Brief Description of Drawings" has been inserted before Example I at page 13, after line 15 of the specification, which should be at page 13, after line 5 instead of line 15.

**Examiner's Amendment to the Claims:**

Claims 10-11 have been amended as follows:

10. (Currently amended) A method for treatment of a Central Nervous System (CNS) disease, comprising administering, to a subject suffering from a disease of the CNS, a conjugate comprising an active substance in an amount sufficient to treat said disease of the CNS, wherein the active substance is coupled directly or indirectly by a covalent bond to one of the following peptides: SynB1 (SEQ ID NO: 11) or SynB3 (SEQ ID NO: 12), and wherein said active substance is an active chemical molecule in the treatment of the CNS disease, and said disease of the CNS is selected from the group consisting of brain cancer, pain and meningitis.

11. (Currently amended) A method for driving a substance across the Blood Brain Barrier (BBB) to the Central Nervous System (CNS), comprising:

preparing a conjugate comprising an active substance coupled directly or indirectly by a covalent bond to one of the following peptides: SynB1 (SEQ ID NO: 11) or SynB3 (SEQ ID NO: 12), wherein said active substance is an active chemical molecule in the treatment of the CNS disease;

administering said conjugate to a subject suffering from a disease of the CNS in an amount sufficient to drive said active substance across the BBB to the CNS; and

driving said active substance across the BBB to the CNS,

wherein said disease of the CNS is selected from the group consisting of brain cancer, pain, and meningitis.

**The following is an Examiner's Statement of Reasons for Allowance:** The instant application is a 371 of PCT/FR99/02938, filed 11/26/99, which claims the priority of FRANCE 98/15074 (filed 11/30/98). While the French document discloses the conjugate of SEQ ID NO:11 with doxorubicin and its use, it does not disclose the conjugate containing SEQ ID NO:12. Thus, the priority date for the conjugate of SEQ ID NO:11 and its use is 11/30/98, and the priority date for the conjugate of SEQ ID NO:12 and its use is 11/26/99. The following reference is the closest art to the claimed invention. Calas *et al.* (WO 99/07728, published on February 18, 1999) disclose a linear peptide derived from an antibiotic peptide such as RRLSYSRRRF (SM2195; SEQ ID NO:12 of the instant application) and RGGRLSYSRRRFSTSTGR (SM2196; SEQ ID NO:11 of the instant application) can internalize into certain cells, and when the linear peptide is coupled with a chemical substance such as biotin or doxorubicin, the resulting compound can penetrate these cells. However, the reference does not teach or suggest using the conjugate containing the linear peptide such as SEQ ID NO:11 or 12 to treat a CNS disease. Therefore, the claims are allowable over the art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chih-Min Kam whose telephone number is (571) 272-0948. The examiner can normally be reached on 8.00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathleen Bragdon can be reached at 571-272-0931. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Primary Examiner, Art Unit 1656

CMK  
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